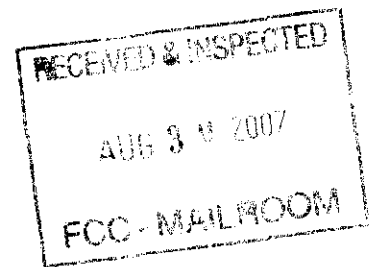


Express Mail EQ 469096327 US

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of the)	File No. SLD -
)	
Appeal of the Decision of the)	
)	
Universal Service Administrator by)	
the)	
)	
Berrien County)	
School District)	
)	
)	CC Docket No. 96 - 45
Federal-State Joint Board on)	
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	CC Docket No. 97 - 21

Appeal
and
Request for Expedited Relief

Berrien County School District

August 29, 2007

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

No. of Copies made 074
LIST ABOVE

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope.

(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number:	549368
Funding Year 10:	07/01/2007-06/30/2008
Billed Entity Number for district:	127493
Date of Funding Denial Notice:	July 26, 2007
Date of Appeal:	August 29, 2007

(2) **SLD Contact Information**

Currie Sutton
Berrien County School District
Ste 260 27600 Chagrin Blvd.
Cleveland OH 44122-4449
Tel. (216) 682-0169
Fax. (216) 514-3337

(3) **FRNs Appealed**

1516121, 1516169, 1534935

(4) **SLD's Reason for Funding Denial**

The SLD stated that the "MR1:The shared discount was reduced to a level that could be validated by third party data.*** MR2:The dollars requested were reduced to remove the ineligible unity meridian M8009, service connection charges, enhanced billing & key system rental."

(5) **The SLD incorrectly analyzed Applicants Data**

- Berrien County School District submitted an 90% Discount Rate for Berrien Alternative School and Berrien High School. Exhibit A
- The SLD asked for data to support Berrien County School District's 90% calculation. That data was provided on February 12, 2007. Exhibit B

- Nevertheless, the SLD unilaterally and without any evidence to the contrary reduced Berrien County School District's discount percentage from 90% to 80%.
- What is even more telling is that the discount percentage computed in exactly the same fashion, per the FCC Rules and Regulations, for other Eligible Services, was not changed. Those discount percentages remained at 90%. Exhibit C

Conclusion:

- a) The SLD requested specific data from the Applicant to substantiate its Discount Percentage.
- b) The Applicant timely provided that data to the SLD on February 12, 2007.
- c) Applicant's data substantiated a 90 % Discount Rate. Exhibit

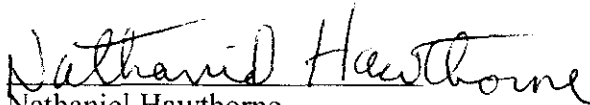
Berrien is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically :

FRNs: 1516121, 1516169, 1534935

- (b) Set aside funds to totally fund Berrien County School District requests.

Respectfully submitted,


Nathaniel Hawthorne

District of Columbia Bar No. : 237693
27600 Chagrin Blvd., Ste. 265
Cleveland, OH 44122
tel.: 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
Berrien County School District
Cc: Berrien County School District

EXHIBIT A

FCC Form 471	Do not write in this area.	Approval by OMB 3060-0806
Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471 Estimated Average Burden Hours per Response: 4 hours		
This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services. Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org .) The instructions include information on the deadlines for filing this application.		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application# (To be assigned by administrator)
BERRIENYR10#1		549368
Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
1 a	Name of Billed Entity: BERRIEN COUNTY SCHOOL DISTRICT	
2 a	Funding Year: July 1, 2007 Through June 30: 2008 Billed Entity Number: 127493	
4 a	Street Address, P.O. Box, or Routing Number: 100 E SMITH AVE	
	City: NASHVILLE	
	State: GA Zip Code: 31639	
b	Telephone Number: 229-686-2081 c Fax Number: 229-686-9002	
5 a	Type of Application <input type="checkbox"/> Individual School (individual public or non-public school) <input checked="" type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities	
6	Contact Person's Name: CURRIE A. SUTTON	
First, if the Contact Person's Street Address is the same as in Item 4, check this box. If not, please complete the entries for the Street Address below.		
b	Street Address, P.O. Box, or Routing Number: Ste 260 - 27600 CHAGRIN BLVD. City: CLEVELAND State: OH Zip Code: 44122 4449	
<input type="checkbox"/> c	Telephone Number: 216-682-0169 <input checked="" type="checkbox"/> d Fax Number: 216-514-3337	
<input type="checkbox"/> e	E-mail Address: curries@ameritech.net	
f	Holiday/vacation/summer contact information	



Entity Number	127493	Applicant's Form Identifier	BERRIENYR10#1
Contact Person	CURRIE A. SUTTON	Phone Number	216-682-0169

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		2987
b	Telephone service: Number of classrooms with phone service	5	5
c	Dial-up Internet access: Number of connections (up to 56kbps)	1	1
d	Direct broadband services: Number of buildings served at the following speeds: Less than 10 mbps	1	1
e	Direct connections to the Internet: Number of drops	5	5
f	Number of classrooms with Internet access	230	230
g	Number of computers or other devices with Internet access	1260	1260

Block 3: Impact of Services Ordered on Libraries

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 843151

Student Count: 3120

Weighted Product (Sum. Column 8): 2808

Shared Discount: 90%

1. School Name: BERRIEN ALTERNATIVE SCHOOL

2. Entity Number: 34421 NCES: 13 0039 02672

3. Rural/Urban: Rural

4. Student Count: 75

5. NSLP Students: 75

6. NSLP Students/Students: 100.000%

7. Discount: 90%

8. Weighted Product: 67.5

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: Y

1. School Name: BERRIEN ELEMENTARY SCHOOL

2. Entity Number: 34423 NCES: 13 00390 00787

3. Rural/Urban: Rural

4. Student Count: 666

5. NSLP Students: 642

6. NSLP Students/Students: 96.396%

7. Discount: 90%

8. Weighted Product: 599.4

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: Y

1. School Name: BERRIEN HIGH SCHOOL

2. Entity Number: 34422 NCES: 13 00390 192

3. Rural/Urban: Rural

4. Student Count: 879

5. NSLP Students: 813

6. NSLP Students/Students: 92.491%

7. Discount: 90%

8. Weighted Product: 791.1

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: Y

1. School Name: BERRIEN MIDDLE SCHOOL

2. Entity Number: 34420 NCES: 13 00390 00228

3. Rural/Urban: Rural

4. Student Count: 711	5. NSLP Students: 660	6. NSLP Students/Students: 92.827%
7. Discount: 90%	8. Weighted Product: 639.9	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

1. School Name: BERRIEN PRIMARY SCHOOL		
2. Entity Number: 34425	NCES: 13 00390 00195	
3. Rural/Urban: Rural		
4. Student Count: 789	5. NSLP Students: 757	6. NSLP Students/Students: 95.944%
7. Discount: 90%	8. Weighted Product: 710.1	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

Worksheet A No: 858863	Student Count: 3120	
Weighted Product (Sum. Column 8): 2808		Shared Discount: 90%

1. School Name: BERRIEN ALTERNATIVE SCHOOL		
2. Entity Number: 34421	NCES: 13 0039 02672	
3. Rural/Urban: Rural		
4. Student Count: 75	5. NSLP Students: 75	6. NSLP Students/Students: 100.000%
7. Discount: 90%	8. Weighted Product: 67.5	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

1. School Name: BERRIEN COUNTY DISTRICT OFFICE		
2. Entity Number: 16041276	NCES: 13 00390	
3. Rural/Urban: Rural		
4. Student Count: 0	5. NSLP Students: 0	6. NSLP Students/Students:
7. Discount: 90%	8. Weighted Product: 0	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

1. School Name: BERRIEN ELEMENTARY SCHOOL		
2. Entity Number: 34423	NCES: 13 00390 00787	
3. Rural/Urban: Rural		
4. Student Count: 666	5. NSLP Students: 642	6. NSLP Students/Students: 96.396%
7. Discount: 90%	8. Weighted Product: 599.4	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

1. School Name: BERRIEN HIGH SCHOOL		
2. Entity Number: 34422	NCES: 13 00390 192	
3. Rural/Urban: Rural		
4. Student Count: 879	5. NSLP Students: 813	6. NSLP Students/Students: 92.491%
7. Discount: 90%	8. Weighted Product: 791.1	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

1. School Name: BERRIEN MIDDLE SCHOOL		
2. Entity Number: 34420	NCES: 13 00390 00228	
3. Rural/Urban: Rural		
4. Student Count: 711	5. NSLP Students: 660	6. NSLP Students/Students: 92.827%
7. Discount: 90%	8. Weighted Product: 639.9	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

1. School Name: BERRIEN PRIMARY SCHOOL		
2. Entity Number: 34425	NCES: 13 00390 00195	
3. Rural/Urban: Rural		
4. Student Count: 789	5. NSLP Students: 757	6. NSLP Students/Students: 95.944%
7. Discount: 90%	8. Weighted Product: 710.1	
9. Pre-K/Adult Ed/Juv: N	10. Alt Disc Mech: Y	

Block 5: Discount Funding Request(s)

FRN: 1516121 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 522090000595834
13. SPIN: 143030766	14. Service Provider Name: Windstream Communications, Inc.
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/04/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2007	19b. Service End Date: 06/30/2008
20. Contract Expiration Date:	
21. Attachment #: LS-LD	22. Block 4 Worksheet No.: 858863
23a. Monthly Charges: \$4,490.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$4,490.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$53,880.00	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$53,880.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$48,492.00	

FRN: 1516169 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 522090000595834
13. SPIN: 143000842	14. Service Provider Name: Southern Communications, Inc.
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/04/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2007	19b. Service End Date: 06/30/2008
20. Contract Expiration Date:	
21. Attachment #: C	22. Block 4 Worksheet No.: 858863
23a. Monthly Charges: \$800.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$800.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$9,600.00	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$9,600.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$8,640.00	

FRN: 1534935 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 522090000595834
13. SPIN: 143030766	14. Service Provider Name: Windstream Communications, Inc.

15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: T
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number:	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 01/04/2007	18. Contract Award Date:
19a. Service Start Date: 07/01/2007	19b. Service End Date: 06/30/2008
20. Contract Expiration Date:	
21. Attachment #: HB	22. Block 4 Worksheet No.: 858863
23a. Monthly Charges: \$360.00	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$360.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$4,320.00	
23f. Annual non-recurring (one-time) charges: 0 23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$4,320.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$3,888.00	

Block 6: Certifications and Signature

Application ID:549368

Do not write in this area.

Entity Number	127493	Applicant's Form Identifier	BERRIENYR10#1
Contact Person	CURRIE A. SUTTON	Phone Number	216-682-0169

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23i on all Block 5 Discount Funding Requests.)	\$67,800.00
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$61,020.00
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$6,780.00
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$211,000.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$217,780.00

- f. ☐ Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☐ an individual technology plan for using the services requested in this application; and/or
 - b. ☒ higher-level technology plan(s) for using the services requested in this application; or
 - c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 1/24/07 10:58:40 AM

40. Printed name of authorized person
MIKE BOCHENKO

41. Title or position of authorized person
ASSISTANT SUPERINTENDENT

42a. Street Address, P.O. Box or Route Number
100 E. SMITH AVENUE

City, State Zip Code
NASHVILLE, GA 31639

- 42b. Telephone number of authorized person:
(229) 686-2081
- 42c. Fax number of authorized person:
(229) 686-9002
- 42d. E-mail of authorized person:
mbochenko@berrien.k12.ga.us
- 42e. Name of authorized person's employer
BERRIEN COUNTY SCHOOL DISTRICT

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

Print

« Previous

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EXHIBIT B

TRANSMISSION VERIFICATION REPORT

TIME : 02/14/2007 13:18
NAME :
FAX :
TEL :
SER.# : BROF4J643635

DATE, TIME	02/14 13:16
FAX NO./NAME	19735996578
DURATION	00:02:13
PAGE(S)	08
RESULT	OK
MODE	STANDARD
	ECM

FAX COVER SHEET

To: Robert Vecchio
PIA Initial Reviewer

Fax: 1.973.599.6578

From: Currie A. Sutton

Date: February 14 2007

Pages: 8 (Including Cover)

RE: Berrien County School District, Application # 549368

SLD Request:

USAC has not yet received the Item 21 Attachments for your FY2007 Form 471 application # 549368. In order to process the Form 471, we must receive the Item 21 Attachments.

Response:

Please see attached documentation - Item 21 Attachments.

SLD Request:

Based upon review of your Form 471 application and/or the documentation you provided, we were not able to determine the eligibility of Berrien County District Office. In order to be eligible to receive discounted services, per the rules of this program, the entity providing classroom instruction must be considered part of an elementary or a secondary school found in the No Child Left Behind Act of 2001 (20 U.S.C. Section 7801 (18) and (38)) which is not operating as a for-profit businesses, and does not have an endowment exceeding \$50 million. Please provide documentation that will verify that the entity meets the definition provided above.

FAX COVER SHEET

To: Robert Vecchio
PIA Initial Reviewer

Fax: 1.973.599.6578

From: Currie A. Sutton

Date: February 14 2007

Pages: 8 (Including Cover)

RE: Berrien County School District, Application # 549368

SLD Request:

USAC has not yet received the Item 21 Attachments for your FY2007 Form 471 application # 549368. In order to process the Form 471, we must receive the Item 21 Attachments.

Response:

Please see attached documentation - Item 21 Attachments.

SLD Request:

Based upon review of your Form 471 application and/or the documentation you provided, we were not able to determine the eligibility of Berrien County District Office. In order to be eligible to receive discounted services, per the rules of this program, the entity providing classroom instruction must be considered part of an elementary or a secondary school found in the No Child Left Behind Act of 2001 (20 U.S.C. Section 7801 (18) and (38)) which is not operating as a for-profit businesses, and does not have an endowment exceeding \$50 million. Please provide documentation that will verify that the entity meets the definition provided above.

If this entity is a non-instructional facility, it can be eligible for services under certain circumstances. For each entity, please provide a written Yes/No response indicating whether either of these two following descriptions accurately and completely describes your school, school district or library's situation, and if so, which one or both:

1. Is the non-instructional facility used solely for school, school district or library business? ☐ Yes ☐ No
2. Do only school, school district or library employees use the non-instructional facility? ☐ Yes ☐ No
3. If the FRN is a request for Priority 2 services, are the Internal Connections and/or Basic
 - a. Maintenance in the non-instructional facility essential for the effective transport of data and information to an instructional building of a school or to a non-administrative building of a library? ☐ Yes ☐ No

(Note: Your response should be based on the amount of funds you are requesting, which may be after cost-allocation has taken place. For example, a school could identify the school portion of a combined church/school phone bill and identify that portion that is "used for school business by school employees.")

For further information about funding requests to non-instructional facilities, consult the "Educational Purposes" document at <http://www.universalservice.org/sl/applicants/step06/educational-purposes.aspx>

Response:

The Berrien County District Office is a non-instructional facility.

1. The facility is used solely for school and/or school district business.
2. Only school and/or school district employees use the facility.
3. Priority 2 services are not requested on this application.

SLD Request:

Based upon review of your 2007 Form 471 application, we were not able to validate your requested discount percentage of 90% for Berrien Alternative School & 90% for Berrien High School. You may validate your requested discount percentage by providing the appropriate documentation listed in one of the following options.

Option 1. If the school participates in a National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or chief school official, or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month. Make sure that the following 3 items are identified:

- a. The Entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for Free/Reduced Lunch Program for the entity

If the school district fills out an aggregate claim form for the school district, also provide a signed letter from a school official (preferably the Superintendent or chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the claim form.

Option 2. If the discount percentage was determined by information obtained from a survey/application (National School (Free & Reduced) Lunch Application forms cannot be used as survey instruments), please provide the following information in writing on school letterhead signed by a school official (such as the Principal, Vice Principal, Superintendent or Director of Food Services):

- a. Total number of students enrolled
- b. Total number of surveys/applications sent out
- c. Number of surveys/applications returned
- d. Total number of students qualified for NSLP per the returned surveys/applications
- e. Are the surveys/applications and results kept on file.

Provide a sample copy of a FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality.

A signed certification that reads: "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a, of Block 4 of the Form 471."

Option 3: If the discount was determined using a different method than what was identified above, please indicate the method that was used and provide all relevant data.

Response:

See attached documentation (letter and survey/application) verifying Option 2 above.

If you have any further questions, please do not hesitate to contact me.

Currie A. Sutton, email: curries@ameritech.net
Tel: 216.682.0169 Fax: 216.514.3337

The information contained in this facsimile message may be confidential and /or legally privileged information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that copying, dissemination, or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and we will arrange for the return of the facsimile



Bobby N. Griffin
Superintendent

Berrien County Schools

100 E. Smith Street; P.O. Box 625
Nashville, Georgia 31639
229-686-2081
229-686-9002 (Fax)

February 12, 2007

Robert Vecchio
Schools & Libraries Division
Program Integrity Assurance Reviewer
Phone: 973-581-5306
Fax: 973-599-6578

Dear Robert:

Below is the data to verify our discounts for applications 549368, 570072, 578781, 579226 and 584234 is shown below.

SCHOOL	(a) Students Enrolled	(b) Surveys / Applications Sent	(c) Surveys / Applications Returned	(d) # of F&R per Returned Surveys / Applications:
Berrien High School	879	879	487	450
Berrien Alternative School	75	75	48	48

(e) The Survey/Applications are kept on file in the District office.

(f) Attached is a copy of a filled out survey/application.

(g) I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9A, of Block 4 of the Form 471.

Sincerely,

Mike Bochenko
Assistant Superintendent
Berrien County Schools

EDUCATION PER FAMILY. To be eligible, a new application must be filed each school year. List all students living in your household and include their legal name, school, and grade. If your family or TANF, place the appropriate case number in the required column. **LIST ALL OTHER MEMBERS OF YOUR HOUSEHOLD AND THEIR TOTAL GROSS MONTHLY INCOME** (before deductions. Also include any income received for child support, alimony, pensions, and/or any other income. You must list the income for everyone who lives in your household. Sign the application requested in Part 2, including your social security number, if required, and mailing address.

[illegible]

AND SOCIAL SECURITY NUMBER (adult must sign). See Privacy Act Statement on the back of this page.

Print name here: [redacted] Social Security Number: [redacted] ☐ I do not have a

ETHNIC IDENTITY: You are not required to answer these questions. If you choose to do so, please mark one of the following.

☐ American Indian or Alaskan Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White
☐ Hispanic
☐ Not Hispanic or Latino

1004 Ross Street
Orlando, FL 32803
Home Phone: (407) 253-1111
Date: 8-8

EXHIBIT C



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2007: 07/01/2007 - 06/30/2008)

July 3, 2007

CURRIE A. SUTTON
BERRIEN COUNTY SCHOOL DISTRICT
Ste 260 - 27600 CHAGRIN BLVD.
CLEVELAND, OH 44122-4449

Re: Form 471 Application Number: 570072
Billed Entity Number (BEN): 127493
Billed Entity FCC RN: 0012031464
Applicant's Form Identifier: BERRIENYR10#2

Thank you for your Funding Year 2007 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$22,950.00 is "Approved."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 570072 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2007," AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence

and documentation.

4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: BERRIEN COUNTY SCHOOL DISTRICT
BEN: 127493
Funding Year: 2007

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 570072
Funding Request Number: 1573516
Funding Status: Funded
Category of Service: Basic Maintenance of Internal Connection
Form 470 Application Number: 522090000595834
SPIN: 143005477
Service Provider Name: Mark Harville, Inc
Contract Number: C
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2007
Service End Date: N/A
Contract Award Date: 01/22/2007
Contract Expiration Date: 06/30/2008
Shared Worksheet Number: 886853
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$25,500.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$25,500.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$22,950.00 - ERN approved as submitted

FCDL Date: 07/03/2007

Wave Number: 009

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2008



Schools and Libraries Division
Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

TIME SENSITIVE MATERIAL

00248
CURRIE A. SUTTON
BERRIEN COUNTY SCHOOL DISTRICT
Ste 260 - 27600 CHAGRIN BLVD.
CLEVELAND, OH 44122-4449

